

REMARKS

Reconsideration and allowance of the present application based on the foregoing amendments and the following remarks are respectfully requested.

Status of Claims

Claims 1-4, 6-10, 13-24, and 26-78 are currently pending in the present application.

Of these claims, claims 26-75 were previously presented in a Preliminary Amendment filed on October 6, 2005. Apparently, this Preliminary Amendment did not reach the Examiner prior to his issuance of the Official Action. Thus, these claims have been designated as "Previously Presented," under the assumption that these claims will be entered. The patentability of these new claims will be discussed below, as required.

Claims 76-78 are new, and claims 5, 11, 12 and 25 have been cancelled.

Claim Objection

The improper dependency in claim 6 has been corrected. Therefore, withdrawal of the claim objection is requested.

Prior Art Rejections

Claim 1 stands rejected as being anticipated by DE19618478 C1 ("the German '478 patent"). To obviate this rejection, claim 1 has been amended to recite that "the pivot guide" comprises "an upwardly facing recess," and that the "pivot mount" is "pivotally receivable in the upwardly facing recess of the pivot guide." Also, the removable mounting of the shredder housing has been further characterized as having the "pivot mount removably and pivotally received in the upwardly facing recess of the pivot guide."

The German '478 patent shows a construction wherein the shredder housing is seated atop a lower container. As shown at 7, the shredder housing is pivotally connected to the lower container. However, the pivotal connection is not disclosed as one where the pivot guide on the seat (*i.e.*, on the container in this instance) comprises an upwardly facing recess. To the contrary, the connection shown is a typical hinge/pin connection. Because no pivot guide comprising an "upwardly facing recess" is shown, the German '478 patent cannot anticipate claim 1 as amended.

Moreover, there is no motivation or suggestion for modifying the pivotal connection in the German '478 patent to include a pivot guide with an upwardly facing recess as

claimed. Indeed, the English abstract of the German '478 patent discloses that the "catchment container (5)" is "held on a rotary axis (7) in the upper part (2) and is pivotable downwards to such an extent that the cut material (6) can slide out of the catchment container into a collection container." This is shown clearly in Figure 3 of the German '478 patent, where the container (5) is pivoted downwardly with the shredded or cut material being discharged.

If the pivotal connection on the lower part were an upwardly facing recess that removably received the pivot mount, as claimed, then this described advantage would not occur. Specifically, as the user lifted the upper part so as to enable the downward pivoting of the lower container, the pivotal connection on the upper part would lift out of the upwardly facing recess. That is, the pivotal connection would be removed or disengaged, and the lower part would not pivot downwardly from the upper part as shown in Figure 3. Hence, the use of an upwardly facing recess in the pivot guide as recited in claim 1 is clearly distinguishable from the construction shown in the German '478 patent.

Accordingly, it is submitted that claim 1 is in a condition for allowance, and withdrawal of the outstanding rejection against claim 1 is respectfully requested.

Claims 2-4, 6-10, 13-24, and 76-78 each depend from claim 1. These dependent claims are submitted to be patentable both for the reason that they depend from claim 1, and for the reason that they recite additional patentable features.

For example, dependent claim 2 recites the advantageous feature of "the pivot mount and the pivot guide [being] constructed to provide support to the shredder housing in the generally vertical orientation against movement thereof towards the generally horizontal orientation, thereby facilitating a user (a) lifting the shredder housing in the generally vertical orientation off the seat with the pivot mount disengaging from the pivot guide and (b) lowering the shredder housing in the generally vertical orientation onto the seat with the pivot mount engaging the pivot guide and the pivotally moving the shredder housing downwardly to the generally horizontal orientation." This is not taught in the German '478 patent, nor would one be motivated to make such a modification. As discussed above, the '478 patent is disclosed as being designed for the shredder housing to be lifted so that the lower container (5) can be pivoted downwardly. There is no reason (absent impermissible hindsight) for one to modify such a construction to arrive at the invention of claim 2.

Also, dependent claims 3, 18, 22, and 76 recite the provision of "a handle provided on the shredder housing, the handle being constructed to be manually grasped for moving the shredder housing between the generally horizontal and generally vertical orientations on the

seat and lifting and lowering the shredder housing off of and onto the seat.” The German ‘478 patent does not illustrate such a handle in the claimed combination. It certainly does not teach a handle that is constructed for assisting the user in pivoting and lifting the shredder housing in the combination as claimed, as the shredder housing in the German ‘478 patent is merely lifted to enable the container (5) to pivot downwardly as discussed above.

Further, dependent claims 7, 9, 13, 19, 23, and 77 recite the specific location of the handle as being on the front portion of the shredder housing. Providing the handle on the front portion of the shredder housing is beneficial for pivoting and lifting the shredder housing up off the seat as claimed. In contrast, the German ‘478 patent is not designed for this purpose – and instead is illustrated as being designed for allowing the shredder housing to be lifted up for allowing the downward pivoting of the container (5) as shown in Figure 3. If one were to add a handle at all to the German ‘478 patent (which is not conceded), it would be more reasonable from an ergonomics standpoint to add it to the middle of the top section or on each lateral side, so as to enable the shredder housing to be lifted straight up as shown in Figure 3 for allowing the container 5 to pivot downward.

Moreover, claim 6 teaches limitations that are clearly not present in the art of record. There is no teaching of the use of a vertical engagement surface in the bottom of any upwardly facing recess in the claimed combination.

Accordingly, an allowance for each of claims 1-4, 6-10, 13-24, and 76-78 is respectfully requested.

Claims 26-75

Claims 26-75 are the claims that were previously added by the October 6th Preliminary Amendment. These claims apparently have not been examined, but remarks in support of their patentability are being provided.

Claims 26-48

Independent claim 26 recites the following limitations:

the shredder housing being constructed to be removably mounted to the seat in a generally horizontal orientation with the pivot mount removably engaged with the pivot guide;

the pivot mount and the pivot guide being constructed to pivotally mount the shredder housing for pivotal movement between the generally horizontal orientation and a generally vertical orientation; and

a handle provided on the shredder housing, the handle being constructed to be manually grasped for moving the shredder housing between the generally horizontal and generally vertical orientations on the seat and lifting and lowering the shredder housing off of and onto the seat;

wherein the pivot guide includes a pair of said pivot guides provided on opposing lateral sides of the seat and wherein the pivot mount includes a pair of said pivot mounts provided on opposing lateral sides of the shredder housing.

The prior art clearly does not teach these limitations in the combination recited. Specifically, the German '478 patent does not illustrate the pivotal connection between the shredder housing and the lower container as being removable. Instead, lifting the upper part will raise the lower container and pivot it downwardly for emptying of shredded material, as discussed above. Thus, there can be no "pivot mount" that is "removably engaged with the pivot guide" as claimed. Likewise, the pivotal connection in the German '478 patent is not shown as being "constructed to pivotally mount the shredder housing for pivotal movement between the generally horizontal orientation and a generally vertical orientation," as claimed. Moreover, there is no "handle" in the German '478 patent, which is "provided on the shredder housing, the handle being constructed to be manually grasped for moving the shredder housing between the generally horizontal and generally vertical orientations on the seat and lifting and lowering the shredder housing off of and onto the seat." The provision of this handle in the claimed combination is beneficial and advantageous for facilitating the pivoting and removal of the shredder housing from the seat.

Accordingly, independent claim 26 is submitted to distinguish from the art of record, and allowance thereof is respectfully requested.

Claims 27-48 each depend from claim 26. These dependent claims are submitted to be patentable both for the reason that they depend from claim 26, and for the reason that they recite additional patentable features.

For example, dependent claim 27 recites the provision of "support surfaces" that engage one another "to support the shredder housing in the generally vertical orientation against pivotal movement." It is submitted that this is clearly not taught by the art of record in the claimed combination, and thus is an additional patentable feature.

Dependent claims 29-31 recite that the pivot guides include "upwardly facing recesses." This feature was discussed above with respect to claim 1, and it is submitted that this is not taught in the art of record in the context of the claimed combination.

Dependent claims 32-33 recite that the “support surfaces” are generally vertical and provided in the bottoms of the recesses, and they also recite a specific manner in which they support the shredder housing. It is submitted that the limitations of these claims are not taught in the art of record in the context of the claimed combination.

Dependent claims 34-37, 42 and 47 recite the handle as being on the front portion of the shredder housing. This feature was discussed above, and it is submitted that this is not taught by the art of record in the context of the claimed combination.

Accordingly, an allowance for each of claims 26-48 is also respectfully requested.

Claims 49-75

Independent claim 49 recites:

the pivot guide and the pivot mount including (a) an open recess with a receiving opening and (b) a pivot member configured to be removably received in said recess through said receiving opening;

the shredder housing being constructed to be removably mounted to the seat in a generally horizontal orientation with the pivot mount and the pivot guide removably and pivotally coupled together by the pivot member being removably received in the open recess through the receiving opening;

the pivot mount and the pivot guide being constructed to pivotally guide the shredder housing for pivotal movement between the generally horizontal orientation and a generally vertical orientation, and enable the shredder housing to be removed from the seat by disengaging the pivot mount from the pivot guide with the pivot member being withdrawn from the open recess through the opening thereof.

The prior art clearly does not teach these limitations in the specific combination recited. Specifically, the German ‘478 patent does not illustrate “[a] pivot guide and [a] pivot mount including (a) an open recess with a receiving opening and (b) a pivot member configured to be removably received in said recess through said receiving opening.” Further, the German ‘478 patent does not teach “the shredder housing being constructed to be removably mounted to the seat in a generally horizontal orientation with the pivot mount and the pivot guide removably and pivotally coupled together by the pivot member being removably received in the open recess through the receiving opening.” Moreover, the German ‘478 patent also does not teach “the pivot mount and the pivot guide being constructed to pivotally guide the shredder housing for pivotal movement between the generally horizontal orientation and a generally vertical orientation, and enable the shredder

housing to be removed from the seat by disengaging the pivot mount from the pivot guide with the pivot member being withdrawn from the open recess through the opening thereof.” The claimed construction is beneficial and advantageous for allowing pivoting and removal of the shredder housing from the seat.

Accordingly, independent claim 26 is submitted to distinguish from the art of record, and allowance thereof is respectfully requested.

Claims 50-75 each depend from claim 49. These dependent claims are submitted to be patentable both for the reason that they depend from claim 49, and for the reason that they recite additional patentable features. Many of the features of these dependent claims have been discussed in respect to other claims above, and those discussions need not be repeated herein for brevity's sake.

Accordingly, an allowance for all of claims 49-75 is also respectfully requested.

Conclusion

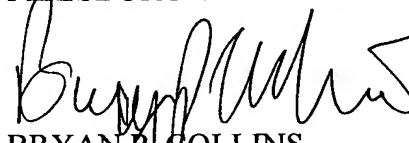
All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance, and a Notice to that effect is earnestly solicited.

If the Examiner has any questions or suggestions for facilitating prosecution of this application to allowance, he is invited to contact the undersigned at the below-listed telephone number.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



BRYAN P. COLLINS

Reg. No. 43560

Tel. No. 703.770.7538

Fax No. 703.770.7901

BPC/smm
P.O. Box 10500
McLean, VA 22102
(703) 770.7900